

1973 November 6

[STAVRINIDES, J.]

ANTOINE WADIH ACHCAR,

*Petitioner,*

v.

MONA GEORGE SAAD,

*Respondent.*

(*Matrimonial Petition No. 12/71*).

*Matrimonial Causes—Marriage—Civil marriage contracted in Cyprus  
—Between Lebanese Christians not citizens of the Republic—A  
valid one—Articles 2.3 and 111 of the Constitution.*

5 *Constitutional Law—Member of a “religious group” within Article  
2.3 of the Constitution—Scope of the provision.*

On October 16, 1971, the parties to this petition, who are Lebanese Christians and neither of them a citizen of the Republic, went through a civil ceremony of marriage at the District Office Nicosia.

10 *Upon a petition by the husband for a declaration that that  
ceremony did not create the status of husband and wife between  
the parties because they were members of a religious group within  
the meaning of Article 111 of the Constitution and therefore  
matters relating to marriage between them were governed by  
15 ecclesiastical law:*

*Held, dismissing the petition, that for the petition to succeed  
the petitioner must establish that he was a member of a “religious  
group” within Article 2.3 of the Constitution; that the scope  
of that provision is, in terms, limited to persons who are citizens  
20 of the Republic and, further, “ordinarily resident in Cyprus”;  
that though counsel argued that the words “ordinarily resident  
in Cyprus” do not exclude his client because “the definition is  
concerned only with the formation of a group”, there is no  
warrant for it in the wording of the provision in question;  
25 that it is perfectly clear that the parties were at liberty to contract*

a civil marriage in this country; and that, accordingly, the petition must fail.

*Petition dismissed.*

### **Matrimonial Petition.**

Petition by the husband for a declaration that the civil ceremony of marriage the parties had gone through at the District Office, Nicosia, did not create the status of husband and wife between them. 5

*A. Emilianides*, for the petitioner.

Respondent absent.

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*Cur. adv. vult.*

STAVRINIDES J. read the following judgment. Both parties are Lebanese Christians. Neither of them is a citizen of the Republic. On October 16, 1971, they went through a civil ceremony of marriage at the District Office, Nicosia, and now the petitioner claims a declaration that that ceremony did not create the status of husband and wife between the parties. Put shortly, his case is that the parties are members of a religious group within the meaning of Art.111 of the Constitution and therefore matters relating to marriage between them are governed by ecclesiastical law. 15 20

To succeed, Counsel for the petitioner must establish that his client was a member of a "religious group" within Art. 2.3 of the Constitution. Now the scope of that provision is, in terms, limited to persons who are citizens of the Republic and, further, "ordinarily resident in Cyprus". Counsel argued that the words "ordinarily resident in Cyprus" do not exclude his client because, to use his own words, "the definition is concerned only with the *formation* of group". Of this it is enough to say that there is no warrant for it in the wording of the provision in question, and it is perfectly clear that the parties were at liberty to contract a civil marriage in this country. 25 30

For these reasons the petition is dismissed.

*Petition dismissed.*